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Inventor: Sheng-Bin

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REMARKS

Applicant appreciates the attention of the Examiner to the application. The Office Action of the Examiner of June 9, 2004 has been reviewed with care in the preparation of this response. The amendment above and the following remarks are believed to be fully responsive to this action.

Status of Claims

Claims 1-4, 6-8, and 10-20, as presented by the above amendment, are pending. The pending claims set forth a novel and non-obvious cabinet with erectable/collapsible soft storage drawers. Allowance of all pending claims is respectfully requested in view of the above amendment and the following remarks.

Claim 3 was rejected as being unpatentable under 35 U.S.C. §112, ¶ 2 as being indefinite and claims 4-9 were rejected as being dependent upon an indefinite claim. Claims 1-3 and 10-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over British Publication No. 1,099,582 (GB '582) in view of Stone (U.S. Patent No. 6,203,198) and in view of Mallander (U.S. Patent No. 3,675,981). Claims 4-9 and 14-20 were rejected as being unpatentable under 35 U.S.C. §103(a) over GB '582 in view of Stone and Mallander, and further in view of Sulpizio (U.S. Patent No. 6,305,567). Claims 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stone in view of Sulpizio and Mallander.

Applicant thanks the Examiner for the telephonic interview with counsel on August 30, 2004. A discussion was held during this interview regarding a proposed amendment to certain of the pending claims and in particular to claim 1. Following the favorable comments of the Examiner and his suggestion regarding further amendment of claim 1 to more clearly define his invention over the prior art, Applicant has prepared and hereby submits the above amendment. Claims 5 and 9 have been cancelled. The proposed amendment is fully supported by the specification to the application and does not include any new matter. The claims as amended are not rendered unpatentable by the references cited but are instead patentably distinguishable over such prior art.

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Applicant now turns to the particular points raised by the Examiner in the Office Action of June 9, 2004 as they pertain to pending claims 1-4, 6-8, and 10-20.

Rejection of Claim 1 under 35 U.S.C. §103(a)

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over GB '582 in view of Stone and Mallander. Claims 2-4, 6-8, and 10-12 are dependent to claim 1.

Obviousness under 35 U.S.C. §103(a) can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Jones*, 958 F.2d 347 (Fed. Cir. 1992). In addition, any such combination or modification of the prior art must still teach or suggest each and every one of the claim limitations. MPEP §2143. The references cited by the Examiner, however, fail to teach or suggest all of the limitations set forth in amended claim 1.

Claim 1, as amended, is directed to a cabinet of soft storage drawers wherein each drawer has a body of flaccid material such that neither the bottom nor any of the sidewalls has a predetermined shape. Moreover, each first sidewall forms a full-wall pocket and at least one second sidewall has a vertical folding-seam forming two half-wall pockets, each such half-wall pocket abutting one of the full-wall pockets.

None of the references cited by the Examiner, alone or in combination, disclose a soft storage drawer having a body of flaccid material forming sidewalls with either full-wall pockets or half-wall pockets where the half-wall pockets are separated by a folding-seam and each half-wall pocket abuts a full-wall pocket along the vertical edge opposite from the folding-seam. GB '582 teaches collapsible drawers made from sheet material such as stout cardboard (page 2 at lines 70-71) having no sidewalls with pockets. Since the drawer in GB '582 is fabricated from rigid material that allow the side walls to be self-supporting when the drawer is erected, this reference furthermore does not teach or suggest the need for a hard bottom board seated within the drawer nor teach or suggest the need for pockets formed by the sidewalls with embedded boards.

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Although the Office Action points to the container in Stone as illustrating a structure made from fabric having sidewalls with pockets that receive stiffener panels, this container does not show a vertical folding-seam forming two half-wall pockets in any of its sidewalls nor disclose half-wall pockets that abut full-wall pockets along just their common vertical edge as required by amended claim 1. Absent any teaching or suggestion directed to these particular features, the combination of GB '582 and Stone along with the removable hard bottom board of Mallander still fails to disclose every limitation set forth in amended claim 1.

Even if arguably Stone did disclose features missing from both GB '582 and Mallander, there still must be more of a justification for combining the references cited than solely the fact that a particular combination of structural features happened to have been known at the time of the invention. An examiner may not select from the prior art the separate components of the claimed invention by simply using the blueprint supplied by the inventor. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 227 USPQ 543 (Fed. Cir. 1985). "To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." In re Rouffet, 149 F. 3d 1350 at 1357-1358; 47 USPQ 2d 1453 (Fed. Cir. 1998).

In the Office Action, there is no showing of any motivation in the prior art for the application of Stone and Mallander to GB '582. The Examiner makes reference only to how "it would have been obvious to a person of ordinary skill in the art" to invent a erectable/collapsible soft storage drawer by modifying the drawers in GB '582 by including the fabric sidewalls with embedded panels of Stone and the bottom board feature of Mallander. This is not the required showing but an exercise in the hindsight frowned upon by the courts.

For each of the reasons discussed above, claim 1 as amended overcomes its rejection under 35 U.S.C. §103(a) in the Office Action. Applicant respectfully asks that the rejection of

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claim 1, in addition to each of the claims that are dependent to it, be withdrawn and that these claims be allowed.

Rejection of Claim 13 under 35 U.S.C. §103(a)

Claim 13 was also rejected under 35 U.S.C. §103(a) as being unpatentable over GB '582 in view of Stone and Mallander. Claims 14-17 are dependent to claim 13.

Claim 13, as amended, is directed to a cabinet of soft storage drawers where the drawers have two second sidewalls formed from a body of flaccid material, each second sidewall having two embedded hard half-wall boards separated from each other by a folding-seam in the body. As previously pointed out, none of the references cited by the Examiner teach or suggest a folding-seam in a drawer made from flaccid material used to separate two hard boards embedded in two of the drawer's four sidewalls. Likewise, there is no showing of any motivation in the prior art for asserting a combination of Stone and Mallander to GB '582. For these reasons, claim 13 as amended overcomes its rejection under 35 U.S.C. §103(a) and Applicant respectfully asks that claim 13, in addition to each of the claims that are dependent to it, be allowed.

Rejection of Claim 4 and 14 under 35 U.S.C. §103(a)

Claims 4 and 14 were specifically rejected under 35 U.S.C. §103(a) as being unpatentable over GB '582 in view of Stone and Mallander and further in view of Sulpizio. Claims 4 and 14, as amended, have the added limitation that the folding-seam is orthogonal at the midpoint of the bottom edge of the sidewall.

Sulpizio does not teach or suggest a drawer having a body of flaccid material with two of the drawer's sidewalls including a folding-seam in that body. Sulpizio only discloses a protective insert having vertical score lines formed along the insert's stiff frame panels. None of the references cited by the Examiner therefore show this feature. Moreover, even if the claimed folding-seam is considered to have been disclosed by any one of them, there is no basis in this prior art to support an explanation as to why a skilled artisan would have been motivated to make

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the claimed combination. As stated above, such an explanation is needed from the Examiner for him to make a prima facie case of obviousness and therefore support a rejection under §103(a). MPEP §706.02(j).

For these reasons, the rejection of amended claims 4 and 14, as well as of claims 6-8 and 15-17 that are respectively dependent from them, is respectfully asked to be withdrawn.

Rejection of Claim 18 under 35 U.S.C. §103(a)

Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Stone in view of Sulpizio and Mallander. Claims 19 and 20 are dependent to claim 18.

Claim 18, as amended, is directed to an improved cabinet having drawers that are soft storage bins where each bin is comprised of a body of flexible material and has two sidewalls in which there are two embedded hard boards separated from one another by a vertical folding-seam in the material. As pointed out earlier, none of these prior art references disclose a folding-seam. In addition, there is no showing in the Office Action of any motivation in this prior art for asserting a combination of Sulpizio and Mallander to Stone. Once again, the Examiner simply states as to how "it would have been obvious to a person of ordinary skill in the art" to take the bulk container in Stone and add the scored lines of the drawer insert in Sulpizio and the hard bottom board of the storage unit in Mallander. This statement falls short of the required showing and leaves the impression that the modification and combination could only be arrived at through the hindsight that follows the disclosure by Applicant of his improved cabinet drawer.

Claim 18 as amended overcomes its rejection under 35 U.S.C. §103(a) and Applicant respectfully requests that claim 18, as well as claims 19 and 20 that depend from it, be allowed.

Rejection of Claim 3 under 35 U.S.C. §112 ¶2

Claim 3 was rejected as being indefinite for using the phrase "wherein one set of the drawer." Claim 3, as amended, has this phrase deleted. This correction addresses the lack of clarity and confusion in the claim as previously presented. Applicant asks therefore that the

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rejection of amended claim 3 and claims 4 and 6-8 that depend from it on the basis of §112 ¶2 be withdrawn.

Conclusion

Applicant's invention, as set forth in the amended claims, represents a highly desirable cabinet of drawers. Applicant believes that the now pending claims 1-4, 6-8, and 10-20 include essential features not disclosed or suggested in the prior art. Applicant submits that all rejections in the Office Action have been traversed by amendment and argument, placing the application in condition for allowance. Early favorable action is earnestly solicited. The Examiner is invited to call the undersigned if such would be helpful in resolving any issue which might remain.

Respectfully submitted,



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